Present

App. F. IX-4

Previous References

1929-30 (LB /)

File No. 30-29

Serial Nos. 233, 258, 282, 282A)

Later References

LB 30-29-301
LB 133-32 Ms 81, 82 & 85
LB 132-32 Ms 62 & 64
LB 1-33 Ms 48, 184 & 20

General and Revenue Secretariat.

Serial Nos. 4.

Part B for April 1930

SUBJECT

The question of the eligibility of the candidature of Messrs. Choode Gowda of Closepet and Nadrah of Nagar for election to the District Board as they were the contractors of the District Board and as they have ceased to be so now.

H 282 To The Comptroller, Mysore Gazette
No. L. 7292 dy 12-4-30
Notifies certain amendments in the District Board Election rules.

H-283- Do The D C Bangalore.
No L 7393 dy 12-4-30
Re: the above question - States that an error can not cure a real defect and should be disallowed and forwards copy of rule of certain rule 282.

K Gopalrao
28-4-30

General and Revenue Secretariat / File No. 3 C of 1927

Serial No.

233 Letter No C·2·662 Dy 26·3·27 DC B'lore. Requests orders about the candidatures of Messrs Chandra Gowda of Closepet & Madiah. Dr Mangadi

1. Both the gentlemen have been notified as candidate for DB Elections but the DC has been learnt that they are contractors under the DB & as such are disqualified from being candidates under section 11 of the DB Regn The candidates contend that they have been given up their connection with the DB & are not now debarred from candidature

2. A similar case of Mr K. Narayana Rao of Gudekunda Dk came up for consideration during the last DB Elections in 1927 but the file on the subject No 62-26-371 has been destroyed in another connection and is not traceable till now

Put up by Mr Mark in April 1927 for DA 921 326

Note—Contn. Sheet

Serial No.

3. Section 11, g the Reg[n] re
guires that ~~for~~ a
candidate for election shall
not have any sort of con-
nection whatsoever with the
Board & the two candidate
referred to above have not
ceased to be contractors under
the Board & are not therefore
disqualified under the section
the point for consideration is
whether they are disqualified
on account of their having
been Contractor at the time
they applied for candidature
The Law Dept may accordingly
be consulted & suitable orders

4. The disqualification
on account of contract with
the Bd seems to begin at the
time a person applies for a
a Candidate ~~& continues~~ ~~that~~
~~the~~ In this case, the contractual
relationship is said to have
existed at the time of application
It seems that the persons would
not have applied and the
application made has perhaps
to be considered as valid - &
the initial invalidity cannot
therefore be considered to have

Note—Contn. Sheet

WD 066—GPB—80,000—26-7-29

Serial No.

7377
29/3

been cured by subsequently
ceasing to be a Contractor with
the Board Section 12 provides
for disqualification arising
after becoming a Member and
Section 11 has reference to be considered
as declaring disqualification at
the time of application for candidature

5 Further in an appeal
within limited time against
to post which is proposed to be
allowed for want of sufficient
Reasons, it is alleged that the
Chairman has transacted his
Contract & his brother and
firm has indirect
interest

6 (Law Dept might be consulted
7 and Members). 22/3
2.8.73

8 JS
CSD
1/4

9 As the Ballot election is
fixed for 14th April 1930 a very
early expression of opinion might
be given 10 Law Dept)

PA
1/4

Note—Contn. Sheet

Serial No.

Of the Dt Bd Election rules

11. Under rule 16 Chidegowda of Closepet intimated to the D.C. Bangalore his intention of standing as a Candidate for Closepet for the ensuing elections. So did Solur Siddappa for Nugadi Taluk

12. The D.C approved their Candidatures under rule 18 & their names have been published in the Mysore Gazette. The elections were to take on 14th April 1930.

13. After the Candidatures were accepted, petitions were filed before the D.C alleging that both the Candidates were interested in certain Contracts with the Dt Bd & hence were not eligible to stand as Candidates under Sec 11 of the Dt Bd Regn.

14. The Deputy Comr then made enquiries of the Dt Bd as to the truth of the allegations and the President of the Board intimates that Mr Chidegowda has undertaken a contract on 19th Feb 1930 for the construction of a well at Banikuppe. Mr Chidegowda however in his statement given before the D.C on 22.3.30 states that he has given a Rajinama to the Contract & that there is no contract in his name now. He also adds that his Contract has been

Note—Contn. Sheet

Serial No.

Cancelled. There is however a share by the officer before whom the statement is made to the effect that the D.C. Bd has not accepted the Rajinama & that the Candidate has not received any endorsement from the Board Cancelling the Contract -

15 As regards Solur Soddappa however the D.C Bd writes in the letter of 18th March that Mr Soddappa transfered his contract on that day & that he is no more a D.C. Bd Contractor -

16 The question that is asked for opinion is whether a person who has an interest in a Contract with the D.C Bd on the date of his intimation of candidature under rule 16 can stand as a candidate for election if at the date of the elections he ceases to have such interest

17 It is clear that if the D.C Bangalore had enquired of the District Board before he accepted the Candidatures in question he would have known of the disqualification & would not have included their names in the list of Candidates. It therefore follows that the point of time at which the

Note—Contn. Sheet

General and Revenue Secretariat | File No. of 192

Serial No.

Candidate ought to have no interest disqualifying him, as the time when the final list of candidates is prepared by the D.C. under rule 18.

18 Section 11 however disqualifies persons having any interests mentioned therein, from standing as candidates at any election. But no provision is made either in the rules or the Regulation to prevent persons so disqualified from standing as Candidates at the election, if by error or mistake they have been included in the list published under rule 18 Since the ~~rules do not give any power to either to the D.C or the Govt~~ Govt have not reserved any power to the D.C or the Govt to revise the orders of the D.C under rule 18. ~~and~~ ~~Consequently~~ the list published under the rule is final & cannot be revised.

19 Under these circumstances, the two Candidates in question have to be allowed to continue to be candidates and the aggrieved parties left to seek their own remedies according to law

DOY 2.4.30 So DC will be an advantage if a form is prescribed requiring candidates

Note—Contn: Sheet

Serial No.

to make a declaration in the appn that they are not disqualified under the rules.

P. M. 2/4

OFFICE OF THE SECOND MEMBER OF COUNCIL 3 APR. 1930 No. 7.S.D.

21 Govt is ready with comps.

22 2nd Member) 3/4

23 1) Error or mistake cannot cure a real defect of the candidature of these two persons, who were disqualified at the time they applied as candidates & continued so up to date the D.C mistakenly accepted their candidature, cannot be disallowed

24 2) The rules shd be amended as suggested by the Law Secy & perhaps somewhat longer time shd be allowed for objections

CSS 4/4

25 1) Put up draft according to act over the issue the question of amendment of rules should be taken up & rule can be made in consistent with the provisions of the Regulation

28

26 A draft letter to the D.C. is submitted along with a draft Note amending the Dt Bd Election rules In order that the

Note—Contn. Sheet

General and Revenue Secretariat | L | B File No. 31 of 1929

Serial No.

with a view to [illegible] which [illegible] any objection [illegible]

OFFICE OF THE SECOND MEMBER OF COUNCIL 5 APR. 1930 No. 7453

Dy Comm may take action in such Cases. Rule 19 of the DC 1930 Rules has also been amended in the draft subs

AD 4/4(31) 27 The amendment proposed by the Law Deptt is also included this Dy Secy may not help us much hence the amendments

28 Provision is also made for withdrawal of candidates at any time before polling takes place as there was some doubt on this point & it was held that withdrawal even after a person's name is notified

29 Withdrawn) WD 5/4

30 Draft rules DC adopted.

31 The other change (Election rules) may be submitted separately

CSY 6/4

32 To avoid further trouble in this matter, it is respectfully submitted that it seems better to issue rules before passing an order. The draft DC mentions the amendments in the rules if considered otherwise this will have to be suitably amended. The Scheme of the Districts

WD 066—GPB—30,000—26/12/29

General and Revenue Secretariat. File No. 39 of 1929

Serial No.	
	We are [illegible] the [illegible] warrant and we have some [illegible] internal and [illegible] proper orders in the case. 33 Enclosures)
282	To the Comptroller re G.L. 7392 dt 12/4/30 Notifies certain Amendments in the Dt Board Election rules
283	To the D.C. Bangalore L 7393 dt 12/4/30 re Candidature of messrs Chidgeonda and Siddappa states that an error [illegible] cure a real defect & shd be disallowed & forwards copy of Notn [illegible] at A. 282

Encl. a printed Copy of Notn

Press Sms

NOTE—Contn. sheet.

In all future communications please quote
No. C2-6620/28-29.
Enc. 2 files & 2 Chellans.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the...26th March.....193 0

FROM

A. K. Syed Taj Peeran, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

TO

R. Ranga Rao, Esq., B.A., B.L.,
General Secretary to Government of Mysore,
Bangalore.

GEN. & REV. SECTN. 4716 27 MAR 1930

LB 30 - 29 — 233

SIR,

~~Subjec~~

I have the honour to forward, for favour of orders of Government the cases of the two marginally noted candidates for the ensuing District Board Election under the following circumstances.-

1. Choode Gowda of Closepet.)
2. Madiah - Magadi.)

Both the candidates sent up, before the appointed day, their applications for candidature. At the time of their acceptance by this office there was no information before~~hand~~ me bringing to notice that these were Contractors under the District Board. Their names have been published in the Gazette.

It was later brought to my notice that these were the Contractors and on enquiry that was found to be true.

Under Section 11 of the District Board Regulation which ~~rules~~ runs as in the margin, there appears to be a disqualification to any person to stand as a candidate.

* Any person whose name is entered in the list and ~~prepared~~ under Section 8 x x x and who is not xx x x x who has not directly or indirectly any interest in any work or in any Contract under the District Board may be a candidate at any election.

But the contention of the candidates appears to be that the fact of their being contractors may not be a disqualification, but only on the date of Election. It is stated that as the parties have now ceased to have any relationship with the District Board they can stand for El on on the 14th April 1930.

I feel doubtful if this contention of theirs is correct as Section 11 appears to be clear. Section 12 refers to disqualification after the candidate is elected - and relates to evacuation of seats.

4813/29
P.

GEN. REV. SEC. 4796 L.R. BRANCH

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

L.S.Sq.

MV. Soka Siddhi.

Application for SS&A membership

awaited

RR

1/4/30.

MW

Mr RR 1/4

No application has been received from the Government Steamer Service Ltd

1-4-30 This gentleman is a consignee from the Magnetic Junk and at the time of ~~which~~ submitting his application for consignature we had some contracts with the W.T.B. He has now given up his contracts & my case has referred the case to Govt and the file was taken Sent to the Law Secy on 1/4/30 for opinion

MW 1/4/30.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Mr M.T. Law 4/4

Law Secy) Mr Hinks expedite

MW 3/4

GEN 4809
L. S. A.

LB 30 – 24 – 218

మిస్టర్ కొరుటిలమోయ లాజీ క్రిష్టరియవరదస్సిద్దిన

దల్లి

చొంనళ్ళూరు డిస్ట్రిక్ట్ కోర్టు శ్రీమతి మేజిస్ట్రేటు కోర్టులో ఖైదుకొంటి ఒళ్ళ బస్సిళ్ళు బిట్టి స్వామి మదకి చలన్ ఇతొంతేలశింతర మడబి. ఇతొంతేలశింతమ్ము బరదుకోళ్ళ ంతఅర్జి

చొంనళ్ళూరు డిస్ట్రిక్ట్ కోర్టు చొంనళ్ళూరు డిస్ట్రిక్ట్ కోర్టు కేసిందవిలయిలి కొల్లు కేసిందనాను కొళ్ళండిదేలి ఖైదు సొసిరుత్తిలసే.

చొంనళ్ళూరు డిస్ట్రిక్ట్ కోర్టు తీర్పు ప కమిట్టిసరొ కొంచెలబరవర ఆజ్ఞెలసిసింద నన్నకొళ్ళండిదేలి ఖైదు ఆదేశారదల్లి తొ 19. 3. 30 నే జూ జరిగు వంతే ఉందుమేకూ కొ 21 – 3 – 30 రల్లి నన్నతేల్పిసుత్తే 22. 3. 30 రల్లి తీర్పు ప కమిట్టిసరవర ఆజ్ఞెలసిదే జూ జరిగి నన్న చెల్లాకేయున్న నన్నదక్కు అవశ్యకవుళ్ళ బరెలు హేళలు ఆజ్ఞెలసిదే. మొదట డిస్ట్రిక్ట్ కోర్టు బొండరొ సింద నన్న కంట్రాక్టర్ కొళ్ళ సెలక్టిసిరుత్త ఇండెంట్రస్ మేంట్ నన్నల్లి జూ జరిగ ఇరలిల్లా.

నాను డిస్ట్రిక్ట్ కోర్టు బగె తుళు కంట్రాక్టర్ కొళ్ళండిదొంతిరువవు ఇతేలసొందలసేరు. ఆదరిన్న కొళ్ళ నన్న ప్రొంబిసిరలే ఇల్ల. తలసొందలే నన్న కంట్రాక్టర్ కొ. 19. 3. 30 రల్లి కొళ్ళ సెలక్టిండిదొంతు ఆబట్టి ఇండెంట్ నన్న తీర్పు ప కమిట్టిసరన్ను కొంచెలబరవరలి కెందు కొంతబేలకెందు బందిద్ద రింద తుళు యిందవత్తో దిన్నిసొన్నళేకూడిసిరు బందిద్ద రింద ఇండెంట్రస్ట్ రింద తుళు సెలనత్తి నాను తలే ఉప్పు గుంతసేళ్ళలు దొరిసిరుత్తదే. దయవిట్టు తుళు రిసొంట్రక్టరంబరొంది నన్న కొళ్ళండిదేలిత్తరన్ను నిల్లిసిదేకొండ బేకెందు ఆ కొళ్ళంతవిసి నయిందవన్ను దొడ్డదు మవశ్యమాగి బేకిరువుదు సొంద

Bhoode Gowda

ది 29. 3. 30.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 7802

LB 30-29-238

Petition dy 29.3.30 from B. Choode Gowda of Closepet Taluk, stating that his has renewed his contract here with the D&B.T. Railway that his candidate for D&BR Election may be returned

The previous petition from the applicant & the Divn. Engineer on the subject have been sent to Railway for opinion which is awaited before petition may be disposed of.

Mpk 3.4.30

Made the file with connected papers

WD 4/4

N B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

LCP

16

G. C. Veerappa,
Advocate

L 4936

Has Sabd a petition in
Connection with the hearing
Matters at Court tomorrow —
Has it yet been conveyed to Lord Reay

RB
9/4/36.

The file has been submitted
to Hd Member for orders
on the Draft of amendments
to the Dist Bds and also
on the final orders to issue
This is being attended to as
immediately as can

Mr Rees) Thanks — 10/4
RB
11/4/36

3822
10/4

Mean remand
Petn to Hd Member for days hearing
Petn to be sent
to Mr Rees by
Hd Member
11/4

Mr R R
for meeting 11/4

VV-2-392 Dr 12/4/30

Notification.

LB 30-29-282

Under Section 100 (2) (b) of the Mysore District Boards Regulation, the following modifications are made in the rules for regulating the election of members to the District Boards issued under Notification No. L. 1311/L.B. 25-26-3, dated 21st August 1926 as amended from time to time.

this is to give effect to Govt's opinion

1. For Rule 16 the following shall be substituted.-

"Every person who wishes to stand for election in any constitutency shall within a week of the publication of the revised list under Rule 12 signify his intention by applying in writing to the Deputy Commissioner in the following form:-

Form of application for candidature.

Name of constitutency for which the candidate intends to stand for election.

Name of candidate.

Father's name.

Age.

Address.

No. of the candidate in the electrol roll.

Date.....

Signature of the Candidate.

Declaration by the candidate

I hereby delcare that the information furnished above is true and that I possess all the qualifications necessary for election to the District Board and that I am

not subject to any of the disqualifications specified in the District Boards' Regulation or the rules thereunder to be a candidate.

Date. Signature of candidate.

This provides for withdrawal of candidature before poll has commenced

2. For the words " on or before 3 P.M. of the next working day after the latest date on which applications for candidature have to be ~~submitted~~ presented" in the first sentence of sub-rule (2) of Rule 17, the words -- "before the poll has commenced" shall be substituted.

3. In sub-rule (3) of the said rule, the words "and within the time" shall be omitted and after the words "under sub-rule (2)" the words "and before 3 P.M. of the next working day after the latest date on which applications for candidature have to be presented" shall be inserted.

4. After the words "one-eighth of the total number of votes polled "in sub-rule (4) of the same rule the words "or if a candidate withdraws his candidature after the time specified in sub-rule (3)" shall be inserted.

5. For the first ~~sence~~ sentence of sub-rule (1) of Rule 18, the following shall be subtituted:—

This is to give more time for objecting to candidature.

"The Deputy Commissioner shall at 5 P.M. on the last date fixed for receiving applications for candidature read out the names of all the candidates whose applications have been received and a list

of such candidates shall forthwith be -- posted up under his signature in his office with a notice that objections, if any, to the candidature of the ~~persons~~ persons specified in the list will be heard and disposed of by him at 3 P.M. on the third working day ~~xfx~~ after the date of the ~~notice~~ publication of the aforesaid notice

Two days are allowed as only one week is available for publishing the final list.

6. For Rule 19, the following shall be substituted:-

"Omission of names of candidates.

If before the ~~Poll~~ has commenced a person whose candidature has been published under sub-rule (3) of the Rule 18 withdraws his candidature, or dies, or if the Deputy Commissioner is satisfied after affording an opportunity to hear ~~that~~ the candidate that he is disqualified to be a candidate or that the ~~statements~~ declaration made in his application ~~are~~ is not true. the Deputy Commissioner shall remove the name of such candidate from the ballot paper.

This envisages the removal of names of candidates before the poll in certain cases

By Order,

for Gen. Secy. to Govt.

To

The Compiler, Mysore Gazette. for publication with the request that 200 copies in English and Kannada may be sent to the Secretariat and 100 copies to each of the Deputy Commissioners.

GENERAL SECRETARIAT.

No. L. 7392—*L. B.* 30-29-282, *dated* 12*th April* 1930.

Under section 100 (2) (b) of the Mysore District Boards Regulation, the following modifications are made in the rules for regulating the election of members to the District Boards issued under Notification No. L. 1311—L. B. 25-26-3, dated 21st August 1926, as amended from time to time.

1. For rule 16 the following shall be substituted :—

"Every person who wishes to stand for election in any constituency shall, within a week of the publication of the revised list under Rule 12, signify his intention by applying in writing to the Deputy Commissioner in the following form :—

Form of application for candidature.

Name of constituency for which the candidate intends to stand for election.	
Name of candidate	
Father's Name	
Age	
Address	
No. of the candidate in the electroll roll ...	

Date..... Signature of the candidate.

Declaration by the candidate.

I hereby declare that the information furnished above is true and that I possess all the qualifications necessary for election to the District Board and that I am not subject to any of the disqualifications specified in the District Boards' Regulation or the rules thereunder to be a candidate.

Date ..... Signature of candidate.

2. For the words "on or before 3 P.M. of the next working day after the latest date on which applications for candidature have to be presented" in the first sentence of sub-rule (2) of Rule 17, the words "before the poll has commenced" shall be substituted.

3. In sub-rule (3) of the said rule, the words "and within the time" shall be omitted and after the words "under sub-rule (2)" the words "and before the 3 P.M. of the next working day after the latest date on which applications for candidature have to be presented" shall be inserted.

4. After the words "one-eighth of the total number of votes polled" in sub-rule (4) of the same rule, the words "or if a candidate withdraws his candidature after the time specified in sub-rule (3)" shall be inserted.

4. For the first sentence of sub-rule (1) of Rule 18, the following shall be substituted :—

"The Deputy Commissioner shall at 5 P.M. on the last day fixed for receiving applications for candidature read out the names of all the candidates whose applications have been received and a list of such candidates shall forthwith be posted up under his signature in his office with a notice that objections, if any, to the candidature of the persons specified in the list will be heard and disposed of by him at 3 P.M. on the third working day after the date of the publication of the aforesaid notice."

6. For Rule 19, the following shall be substituted :—

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By Order,
R. RANGA RAO,
General Secretary to Government.

GENERAL SECRETARIAT.

No. L. 7392—*L. B.* 30-29-282, *dated* 12*th April* 1930.

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Father's Name	
Age	
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No. of the candidate in the electroll roll ...	

Date..... Signature of the candidate.

Declaration by the candidate.

I hereby declare that the information furnished above is true and that I possess all the qualifications necessary for election to the District Board and that I am not subject to any of the disqualifications specified in the District Boards' Regulation or the rules thereunder to be a candidate.

Date ..... Signature of candidate.

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6. For Rule 19, the following shall be substituted :—

Omission of names of candidates

If before the poll has commenced a person whose candidature has been published under sub-rule (3) of the Rule 18 withdraws his candidature, or dies, or if the Deputy Commissioner is satisfied, after affording an opportunity to hear the candidate that he is disqualified to be a candidate or that the declaration made in his application is not true, the Deputy Commissioner shall remove the name of such candidate from the ballot paper.

By Order,
R. RANGA RAO,
General Secretary to Government.

Appendix F G—1

SUBJECT.....

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Section LB

File No. 30-29

Serial No. 283-A(A)

No. L. 7393

R. One file
TNOpln

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The D.C., Bangalore

Date of issue 12/4/30

Signed by M.V. Y.A.S.

Sir

With reference to your letter no C2 66 20/28-29 dt 26/3/30 enquiring whether messrs Choodegowda of Clerepet and Colur Siddappa, Nagadi ~~who~~ who were Contractors under the Dt Bd when they sued them applies for Candidature for election to the Dt Board both whose Candidature has been published in the Gazette for want of information, may

List of enclosures.....

Copied by.....

Examined by.....

over

A. K. SYED TAJ PEERAN, Esq., B.A.,
Deputy Commissioner.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the 14th. April *1930.*

D. O. No. C.2.6620/28-29.

GEN. SECTT.
15 APR. 1930
L. S. G. Secretariat
5029

Dear Sir.

I write to invite your kind reference to the correspondence ending with this Office letter No. C.2.6620/28-9, dated the 9th. April 1930, submitting records relating to objection petitions re: the candidature of Messrs Siddappa of Solur, Magadi Taluk and Choode Gowda of Bannikuppe, Closepet Taluk, for the ensuing District Board Elections for obtaining orders of Government. As the elections are coming off on the 26th. April 1930 and as voting papers for these two Taluks have got to be printed in time for elections after hearing from Government, I request you to kindly obtain and communicate orders of Government at a very early date.

Yours sincerely,

R. Ranga Rao Esquire B.A., B.L.,
General Secretary to the Givernment
of Mysore, Bangalore.

To the Law Secy with the Complete
MM
15/4

The orders in the Case were issued in this office.
Letter no L 7393/LB 30-29-283 Dt 12.4.30. Draft
reply is submitted for appl

15/4

15/4/1930

Appendix F G—1

SUBJECT.....

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Section

File No.

Serial No.

~~So~~ No. 27492

one copy
Notification

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

.....

Date of issue 15/4/1930

Dear Sir,

In reply to your Do.
no C2 6620/29-30 Dt 14.4.30, I
am to state that orders in
the case of the Candidature
of messrs Siddappa of Solur
and Chide gowda of Banni
kuppe for the ensuing elect
were Communicated to you
in this office letter no. 27393/
LB 30-29-283 Dt 12.4.30 an
the receipt of the order has
been acknowledged by ...

Signed by M. Y. Naik

List of enclosures.....

Copied by.....

Examined by.....

over